



ATLANTA, GEORGIA

RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

01-R -0449

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO COMPENSATE THE CONSTRUCTION CLAIM FIRM, BRITTON & ASSOCIATES, INC., IN AN AMOUNT NOT TO EXCEED \$18,837.50 IN CONNECTION WITH SERVICES PROVIDED IN ANALYZING A CONSTRUCTION CLAIM BY WESTON SOLUTIONS, INC. AGAINST THE CITY RELATING TO CONTRACT NO. FC-5508-93; GUN CLUB ROAD SANITARY LANDFILL CLOSURE; AND FOR OTHER PURPOSES.

BACKGROUND:

The City and Weston Solutions, Inc. entered into a Contract on April 19, 1995, that provided for the design and construction of the closure of the Gun Club Road Sanitary Landfill;

The original Contract value was based on a guaranteed maximum price (GMP) valued at \$7,500,000;

Total Change Orders to the Contract during its time of performance increased Weston's original Contract value by \$610,379.39; Weston's adjusted Contract amount for approved and executed change orders was \$8,110,379.39;

During the course of the Project, on March 27, 1998, Weston submitted a Request for Equitable Adjustment to the City for \$1,265,539.88 alleging it incurred additional costs during the Project relating to: (1) increased Contract unit quantities; and (2) out-of-scope extra work.

Weston filed a lawsuit against the City on October 28, 2002, seeking payment of its Request for Equitable Adjustment;

The City's Department of Public Works solicited the assistance of the City's Law Department in analyzing the Request for Equitable Adjustment;

Accordingly, pursuant to City Code Section 2-407, the City Attorney retained the outside counsel/consultant services of Britton & Associates, Inc., (Britton") a construction claims consultant, to review and opine of the validity of the Request for Equitable Adjustment;



It was anticipated by the City Attorney and Britton that such services could be provided for less than \$50,000; accordingly, pursuant to Code Section 2-407, City Council authorization was not required;

Due to the complexity of the Request for Equitable Adjustment, the multitude of documents concerning it and the City's attempt to avoid a lawsuit by Weston by timely reviewing the Request for Equitable Adjustment, Britton incurred expenses in excess of the \$50,000 limit imposed by Code Section 2-407;

As a result of Britton's analytical efforts, the City was able to settle the \$1.2 million claim by Weston for considerably less-\$390,000;

Accordingly, the City Attorney has determined that it is desirable and in the best interests of the City to appropriate an additional \$18,837.50 to compensate Britton for services previously rendered in excess of \$50,000 in analyzing the Request for Equitable Adjustment;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ATLANTA, GEORGIA that the City Attorney is authorized to pay an additional \$18,837.50 to compensate Britton for services rendered in connection with Weston's Request for Equitable Adjustment involving the Department of Public Works and the Gun Club Road Sanitary Landfill Closure Project;

BE IT FURTHER RESOLVED that the City Attorney is authorized to execute any necessary documents to reflect payment to Britton of an additional amount not to exceed \$18,837.50 in connection with the Request for Equitable Adjustment;

BE IT FURTHER RESOLVED that the Chief Financial Officer is authorized to remit payment of all fees, expenses and costs due for the services rendered by Britton in connection with the foregoing matters once approved by the City Attorney or her designee for payment in an amount not to exceed \$18,837.50, to be paid from Fund Account and Center Number 1A01 529017 T31001 .

A true copy,

Rhonda Daughin Johnson
Municipal Clerk

ADOPTED by the Council
APPROVED by the Mayor

April 19, 2004
April 27, 2004



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(Do Not Write Above This Line)
04-18-0449

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APPROVED BY:
Linda K. DiSantis
Linda K. DiSantis
City Attorney

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

ADOPTED BY

Referred To:

APR 19 2004

Date Referred

Referred To:

COUNCIL

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Handwritten signature

Handwritten signature

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

- FINAL COUNCIL ACTION**
- ☐ 2nd
 - ☐ 1st & 2nd
 - ☐ 3rd
 - ☒ Consent
 - ☐ V Vote
 - ☒ RC Vote

CERTIFIED

APR 19 2004

COUNCIL PRESIDENT PROTEM

APR 19 2004

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MUNICIPAL CLERK

MAYOR'S ACTION

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